

**ORDINANCE 2011- 43**  
**LPA#11-7-6**  
**Sorrento Commons**

FILED  
2011 JUL 29 AM 9:11  
DEPARTMENT OF STREET  
TALLAHASSEE, FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.8, WHICH SPECIFIES CRITERIA FOR DEVELOPMENT OF THE SAID 22-ACRE PARCEL; AMENDING POLICY I-2.1.4 DESIGN STANDARDS FOR THE MOUNT PLYMOUTH-SORRENTO MAIN STREET FUTURE LAND USE CATEGORY; STIPULATING FUTURE DEVELOPMENT ON SAID PARCEL BE CONSISTENT WITH DEVELOPMENT DESIGN STANDARDS; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25<sup>th</sup> day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan Amendment; and

**WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

**WHEREAS**, on the 13<sup>th</sup> day of August, 2010, Sorrento Commons, LLC. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

**WHEREAS**, on the 30<sup>th</sup> day of December, 2010, Sorrento Commons, LLC conveyed the Property to Eagle FL I SPE, LLC, by virtue of a Statutory Warranty Deed recorded in Official Record Book 3988 pages 1540-1543 of the Public Records of Lake County, Florida; and

**WHEREAS**, on the 27<sup>th</sup> day of May, 2011, Eagle FL I SPE, LLC, a Florida limited company filed a Notice of Substitution of Petitioner with the State of Florida Division of Administrative Hearings; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Eagle FL I Spe, LLC did enter into a Compliance Agreement for DOAH Case Number 10-8960GM, as permitted by Section 163.3184(6), Florida Statutes; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, this Ordinance was heard at a public hearing before the



Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

**WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that:

**Section 1. Comprehensive Plan Text Amendment.** The following Policy is added to the 2030 Comprehensive Plan:

**Policy I-1.6.8 Specific Limitations on the Sorrento Commons Property**

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8960GM, challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately 22-acre parcel of land generally located south of State Road 46 at Hunter Road/CR437, generally described as:

Parcel 1:

Lots 1, 2, 3 and 4, Block 3, CARONEL ACRES, according to the map or plat thereof as recorded in Plat Book 6, Page 4, of the Public Records of Lake County, Florida;

Parcel 2:

The North 417.44 feet of the East 313.28 feet of the South 1/2 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida; AND The North 417.44 feet of the West 208.72 feet of the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida;

Parcel 3:

That part of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, in Lake County, Florida, lying South of the South line of the Right-of-Way of State Road #46; LESS that part of the foregoing described parcel lying within 50 feet South of the North line of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida; LESS a strip of land of equal width 28 feet wide off of the entire East side of such foregoing described parcel; LESS the South 5 acres of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida.

Also referred to as Lake County Alt Key Numbers 2856742, 1789150, 3519221, 2930004 and 2507012.

The owner of the property is hereby allowed to develop, and shall not exceed the following criteria:

**1. Anchor Store.**

- a. The Petitioner shall be allowed to develop one (1) anchor store to serve the needs of the Mount Plymouth-Sorrento Planning Area.
- b. The store shall not exceed 50,000 square feet of floor area.
- c. The store shall be setback and screened from Main Street/SR46 to minimize its impact.

- d. The store shall be designed with architectural and design features compatible with the character of the Mount Plymouth-Sorrento Community as specified in the Settlement Agreement for DOAH Case No. 10-8960GM.
2. **Other structures, except Anchor Store.** Structures, other than the Anchor Store shall not exceed 8,000 square feet of floor area for new development.
3. **Open Space.** Required open space for this property shall be contiguous and centrally configured as an amenity for the community. The minimum open space shall be consistent with the future land use category.
4. **Community Park or Civic Space.** One or more areas shall be provided to serve as a community park or civic space. These areas shall be designed with appropriate landscaping and amenities to enhance the public realm and community identity. Such area(s) shall be dedicated or conveyed to a property owners' association, or shall be maintained by the developer, in perpetuity as civic or community space.

The Future Land Use Map shall contain a note stating this limitation.

**The following Policy within the 2030 Comprehensive Plan is amended as shown below (additional text is underlined and deleted text is struck through):**

**Policy I-2.1.4 Design Standards for the Mount Plymouth-Sorrento Main Street Future Land Use Category**

Within twelve (12) months of the effective date of this Comprehensive Plan, Land Development Regulations for the Main Street Future Land Use Category shall be developed to emulate a traditional community feel, including but not be limited to, the follow requirements:

- Establish specific design standards for ~~multi-family residential~~ and nonresidential structures, consistent with the Main Street Future Land Use Category;
- Require specific additional standards for infill housing to preserve the character of the historic Sorrento neighborhood;
- Require that structures present a traditional storefront face and entrance to the Main Street;
- ~~r~~and pProvide wide sidewalks for pedestrian activity with street furniture for outdoor cafes and benches for rest and shading; ~~and~~
- ~~r~~Require the planting of canopy trees (such as Live Oaks, Sweet Gum, and Winged Elms) at regular intervals along Main Street;
- Outdoor ~~lamps~~ lighting shall ~~utilize~~ be full-cutoff lighting with traditional-style fixtures;
- Require that all parking be located in the rear of building structures facing Main Street, with the exception of on-street angle or parallel parking. Pervious parking is encouraged;
- Encourage upper-story residences or office space located above ground-level shops, and provide for multi-family homes, including town homes, duplexes, and condominiums along and near the Main Street corridor;



- ~~Include the provision for a Market Square District, located at the intersection of Hunter Avenue and State Road 46, not to exceed 40 acres in size and a maximum of 100,000 square feet of floor area in the aggregate. Required open space within the Market Square shall be contiguous and centrally configured as an amenity for the community. This Market Square District shall contain no more than one anchor store which shall be sized to serve the needs of the Mount Plymouth-Sorrento Planning Area and not exceed 30,000 square feet of floor area. Such a store, if located within the Planning Area, must not be visible from Main Street, and shall be designed with architectural features compatible with the character of the Mount Plymouth-Sorrento Community; all other structures within the Market Square District shall be limited to 8,000 square feet for new development. Outside of the Market Square District, individual Individual building floor area allocations shall not exceed 5,000 8,000 square feet for new buildings development on each parcel up to a maximum Floor Area Ratio of 0.30 and Impervious Surface Ratio of 0.60 as specified within the Mount Plymouth-Sorrento Main Street Future Land Use Category. Any site that received development approval prior to May 25, 2010, or any site developed with a building greater than 8,000 square feet approved prior to this date, is exempt from the 8,000 square foot limit and may be redeveloped on the original parcel at the same size; and~~
- Provide for a maximum building height not to exceed 40 feet with varied rooflines unless such look is provided by adjacent buildings. Generally, this would result in structures of two (2) habitable stories; and
- ~~Provide for one or more areas within the Main Street Future Land Use Category to serve as a community park or civic space, and which shall be designed with appropriate landscaping and amenities to enhance the public realm and community identity.~~

**Section 2. Future Land Use Map Amendment.** The Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.8 Specific Limitations on the Sorrento Commons Property and is attached hereto as Exhibit "A" of the this Ordinance.

**Section 3. Stipulations on Future Development.** The Petitioner agrees that any future development of the Petitioner's property identified in their Petition shall be consistent with the Development Design Standards set forth in the Stipulated Compliance Agreement for Case Number DOAH 10-8960GM, and such standards shall be incorporated into any future zoning ordinance that Petitioner is granted.

Stipulation on development design standards to be followed by the Petitioner pending adoption of design criteria in the County Land Development Regulations. The standards may be revised through the Planned Unit Development zoning process.

**Section 4. Advertisement.** This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

**Section 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

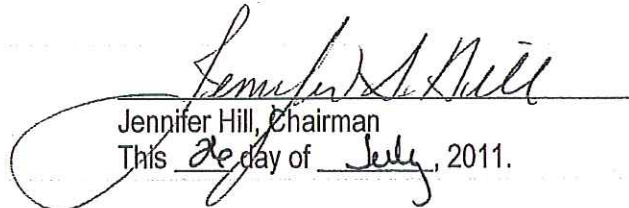
**Section 6. Effective Date.** This Ordinance shall become effective as provided for by law.

ENACTED this 26 day of July, 2011.

FILED with the Secretary of State July 29, 2011.

EFFECTIVE July 29, 2011


BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
Jennifer Hill, Chairman  
This 26 day of July, 2011.

ATTEST:

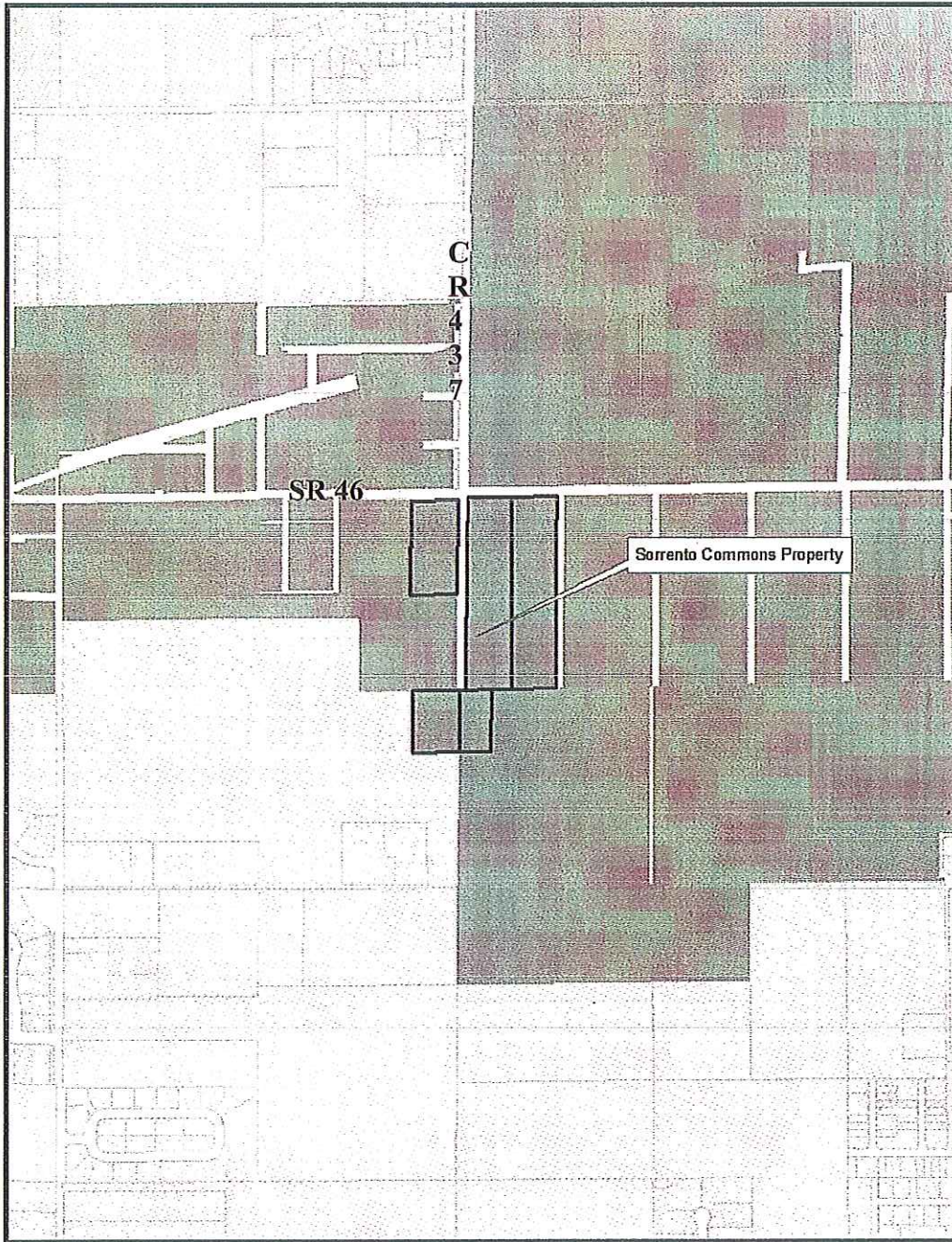
  
Neil Kelly, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

  
Sanford A. Minkoff  
County Attorney



**EXHIBIT A**  
**Sorrento Commons**





## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

August 1, 2011

Honorable Neil Kelly  
Clerk of the Circuit Court  
Lake County  
550 West Main Street  
P. O. Box 7800  
Tavares, Florida 32778-7800

Attention: Ms. Courtney, Deputy Clerk

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 28, 2011 and certified copies of Lake County Ordinance Nos. 2011-38 and 2011-47, which were filed in this office on July 29, 2011.

As requested, we are returning the date stamped originals for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/vm

Enclosure

RECEIVED  
AUG 03 2011  
BOARD SUPPORT

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
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STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH  
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RECORDS MANAGEMENT SERVICES  
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